

FILED
 UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF MASSACHUSETTS

C.A. NO.

MAY 17 AM 10:27

U.S. DISTRICT COURT
CENTRAL DISTRICT OF MASS.

DANIEL HOUDE,

Plaintiff,

v.

 ROBERT TURGEON, STEPHEN GUNNERSON,
 KEVIN JOHANSON, MATTHEW D'ANDREA,
 BRIAN HALLORAN, THOMAS DUFFY,
 SEAN MCCANN and CITY OF WORCESTER

Defendants.

05-40075 FDS
 RECEIPT # 404570
 AMOUNT \$ 350.00
 SUMMONS ISSUED ☒
 LOCAL RULE 4.1 ☒
 WAIVER FORM ☒
 MCF ISSUED ☒
 BY DPTY. CLK. S Jones
 DATE 5/17/05
COMPLAINT

For his Complaint in the above-referenced matter, Plaintiff Daniel Houde states as follows:

I. Introduction

This action seeks compensation for defendants' violations of plaintiff's civil rights and state law. In essence, Daniel Houde seeks to recover for the unlawful arrest and vicious beating levied against him at the hands of the named defendants. At the time of the beating, the individually named defendants were acting under color of state law in their capacities as Police Officers for the City of Worcester, Massachusetts. The beating inflicted upon Mr. Houde by these seven officers left Mr. Houde, a 5 foot, 9 inch, 155 pound man who was unarmed during the incident, with nine broken bones in his face as well as injuries to his back, forehead, eyes, hands, legs, knees, and arm.

II. Parties

1. Plaintiff Daniel Houde (“Mr. Houde”) is a citizen of the United States of America with and formerly resided at 121 Worcester Street, North Grafton, Massachusetts.

2. Upon information and belief, Defendant Robert Turgeon (“Officer Turgeon”) is a citizen of the United States of America and, at all times relevant to this Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

3. Upon information and belief, Defendant Stephen Gunnerson (“Officer Gunnerson”) is a citizen of the United States of America and, at all times relevant to this Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

4. Upon information and belief, Defendant Kevin Johanson (“Officer Johanson”) is a citizen of the United States of America and, at all times relevant to this Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

5. Upon information and belief, Defendant Matthew D’Andrea (“Officer D’Andrea”) is a citizen of the United States of America and, at all times relevant to this Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

6. Upon information and belief, Defendant Brian Halloran (“Officer Halloran”) is a citizen of the United States of America and, at all times relevant to this

Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

7. Upon information and belief, Defendant Thomas Duffy (“Officer Duffy”) is a citizen of the United States of America and, at all times relevant to this Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

8. Upon information and belief, Defendant Sean McCann (“Officer McCann”) is a citizen of the United States of America and, at all times relevant to this Complaint, was a member of the City of Worcester Police Department located in Worcester, Massachusetts.

9. Upon information and belief, Defendant City of Worcester is a city incorporated under the laws of the Commonwealth of Massachusetts and employed each of the named defendants at all times relevant to the allegations in this Complaint.

III. Jurisdiction and Venue

10. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1343 (a)(3), 28 U.S.C. §1331 and 28 U.S.C. §1367.

11. Venue is appropriate in this Court because the Plaintiffs and all Defendants live or work within the County of Worcester in the District of Massachusetts, Central District.

IV. Facts Common To All Counts

12. Mr. Houde was formerly a resident, property owner and businessman in the City of Worcester.

13. In or around 1998, Mr. Houde began a mobile food kitchen business which conducted business under the trade name "Mr. Funtimes".

14. The business focused on the sale of hot dogs and other fast food items outside of popular local venues such as the Palladium and Atrium in Worcester, Massachusetts.

15. The mobile food kitchen business was successful and became a locally well-known and popular pre- and post-event venue.

16. Mr. Houde's business was doing so well that the owners of the Palladium, Jack Fisher and John Souza, took particular note of Mr. Houde's operation.

17. Eventually, Mr. Fisher and Mr. Souza offered Mr. Houde a business deal in which they agreed to renovate the first floor of the Palladium into a pizza shop and Mr. Houde agreed to manage the pizza shop. As part of this deal, Mr. Houde agreed to remove his food trucks from the street near the Palladium.

18. Mr. Houde spent several weeks assisting in the renovation of the pizza shop and prepared to run the shop for the Palladium.

19. Once renovations began, however, Mr. Fisher and Mr. Souza announced to Mr. Houde that a new ownership group was involved with the Palladium and that Mr. Houde's services would no longer be needed.

20. Mr. Houde was disappointed but undeterred.

21. Mr. Houde treated the termination of the Palladium agreement as an opportunity.

22. Mr. Houde went back to the mobile food kitchen business.

23. Indeed, Mr. Houde purchased two additional mobile food trucks and hired additional drivers to man those trucks.

24. At times relevant to the allegations in this Complaint, the Palladium and two other night clubs owned by Mr. Fisher and Mr. Souza employed on-duty and off-duty officers of the Worcester Police Department.

25. Shortly after the deal with the Palladium fell through, Mr. Houde was back operating his mobile food trucks outside the Palladium.

26. Mr. Houde's after-hours food business fared much better than the pizza business in the Palladium.

27. Throngs of persons leaving the Palladium would line up at Mr. Houde's mobile food truck, while the Palladium's pizza business suffered.

28. The operators of the Palladium's pizza store grew agitated with Mr. Houde and often confronted Mr. Houde outside their shop.

29. At this same time, Mr. Houde and his other drivers suddenly began experiencing harassing treatment from the Worcester Police Department.

30. On several occasions, Mr. Houde and his other truck drivers were stopped, without cause, and were threatened and intimidated by Worcester Police officers.

31. One of Mr. Houde's drivers quit due to one such incident.

32. During this time period, Mr. Houde also became aware that the father of a Worcester Police Officer (believed to be Robert Farrell) owned a hot dog truck called "Munchtimes" that competed with Mr. Houde's trucks at Worcester events. This man often confronted Mr. Houde at Worcester events and jockeyed with Mr. Houde for

positions outside of them. At times he requested his son, or other Worcester Police officers, to intercede on his behalf against Mr. Houde.

33. Officer Farrell, who was the son of Mr. Houde's competition, and his colleagues began to harass and personally intimidate Mr. Houde on a regular basis in the City of Worcester.

34. At various times, Worcester Police Officers would stop and detain Mr. Houde's trucks for no reason.

35. On some of these occasions, these officers would simply harass Mr. Houde or his drivers and let them proceed.

36. At other times, these police officers would create false reasons for the traffic stop. On one such occasion, an officer claimed that one of Mr. Houde's head lights was "out." When Mr. Houde responded that "my head lights are working," the officer walked to the front of his automobile and broke a head light with his night stick.

37. On October 9, 2001, Mr. Houde was arrested by a Worcester Police Officer named Robert Ferra allegedly for possession of marijuana. During that arrest, Mr. Ferra said to Mr. Houde: "My advice to you is to pack up your business and get out of this city."

38. In 2002, the harassment and intimidation continued and, clearly, became an effort to drive Mr. Houde out of business.

39. In the spring of 2002, Steven Walsh, the owner of a fabrication shop in Worcester who did work on Mr. Houde's vehicles, said: "The 'henchmen' are after you."

40. Mr. Houde made the mistake of not comprehending that warning.

41. On the evening of May 20, 2002, Mr. Houde was out with an acquaintance, Renee Rudy.

42. On that night, Mr. Walsh who worked late at the fabrication shop, telephoned Mr. Houde and told him to bring his truck to the fabrication shop on Grafton Street for work Mr. Houde had requested. It was not unusual for this shop to commence work during such late hours.

43. Mr. Houde and Ms. Rudy exited the establishment they were at and entered his vehicle – a camper that was to be converted to a mobile food truck by the fabricator.

44. Mr. Houde noticed two Worcester police cruisers go by his vehicle.

45. Mr. Houde then drove about two hundred yards to where the fabrication shop is located and pulled up to the fabricator's loading dock in its back parking lot.

46. Suddenly, several Worcester police cruisers surrounded Mr. Houde's vehicle.

47. Officers approached the driver's and passenger's side doors of Mr. Houde's vehicle. The officers shouted: "Open the door or we'll smash the windows." These officers never asked for Mr. Houde's driver's license or registration.

48. Before Mr. Houde could respond, two other police officers broke into the back of his vehicle.

49. These officers ran to the front of the vehicle and began to ferociously beat Mr. Houde about the head and the face without any warning or provocation. The officers used their fists, their shod feet and flashlights during the beating until Mr. Houde was no longer conscious.

50. Mr. Houde was unarmed. Yet, all of the named defendant police officers participated in the beating and dragged Mr. Houde's body from his vehicle.

51. One of these officers also sprayed Mr. Houde with pepper spray.

52. Despite the beating inflicted on Mr. Houde, the Defendant officers conspired to press charges against Mr. Houde to cover-up their wrongdoing.

53. Indeed, three of the officers claimed that Mr. Houde had assaulted and battered them.

54. None of the officers received any medical treatment at any hospital for the alleged altercation with Mr. Houde.

55. Despite the injuries inflicted on Mr. Houde, the officers decided to initially bring Mr. Houde to the police lock-up. Photographs of Mr. Houde within the days following the beating are attached hereto as Exhibit 1. Yet, when the dispatch officer witnessed Mr. Houde's condition, he immediately advised his colleagues to transport Mr. Houde to the hospital.

56. Instead, the officers transported Mr. Houde to the University of Massachusetts Medical Center.

57. Among other injuries, Mr. Houde sustained nine bi-lateral fractures to his face as a result of the beating.

58. When Mr. Houde arrived for his arraignment in Court the next day, the sitting judge was so horrified by Mr. Houde's appearance that he exclaimed: "Who did this to the Defendant." The judge also refused to arraign Mr. Houde and, instead, mandated that he be transported back to the hospital for further treatment.

59. Three days after the incident, on or about May 23, 2002, Mr. Houde's prior counsel served a letter upon the City of Worcester putting the City of Worcester on Notice of Mr. Houde's claim as required by G.L. 258 § 4. On July 17, 2002, the City of Worcester made a final denial of Mr. Houde's claim.

60. On May 21, 2002, the Worcester Superior Court probation department sought a surrender hearing against Mr. Houde on a 1999 matter due to the May 20, 2002 arrest by the officers in this matter.

61. Upon information and belief, the Defendants knew that Mr. Houde was on probation at the time of their assault upon him and knew that bringing the charges against him for the May 20, 2002, incident would instigate a "violation" of his probation.

62. As a result, Mr. Houde was given a Hobbesian choice: fight the false charges brought by the Defendants for the May 20, 2002 incident and be surrendered on the 1999 charges or plead out to the false charges and receive a lighter overall sentence.

63. Put in this untenable situation (which Plaintiff believes was manipulated by the Defendants in order to provide a defense to Mr. Houde's present claims), Mr. Houde was forced against his will to plea out to the false charges brought by the Defendants in this matter.

V. Causes of Action

COUNT I

(Violation of 42 U.S.C.A. 1983, Civil Rights Act v. Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy and Sean McCann)

64. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

65. Defendants Turgeon, Gunnerson, Johanson, D'Andrea, Halloran, Duffy and McCann, engaged in a conspiracy to deprive Mr. Houde of his civil rights, including but not limited to unlawful stops, harassment, searches and seizures of Mr. Houde, the deprivation of Mr. Houde's liberty and property without due process of law, the false imprisonment of Mr. Houde, abuse of process against Mr. Houde, the assault and battery of Mr. Houde, the cruel and unusual punishment of Mr. Houde, and the deprivation of Mr. Houde's Constitutional rights to due process.

66. In taking the unlawful actions described in this Complaint, Defendants Turgeon, Gunnerson, Johanson, D'Andrea, Halloran, Duffy and McCann, acted under the color of local and state law, including the authority granted in them as police officers by the City of Worcester and the Police Department of the City of Worcester.

67. Defendants' acts and practices subjected Mr. Houde, or caused Mr. Houde to be subjected, to the deprivation of the rights, privileges and immunities secured by the United States Constitution and laws of the United States, including but not limited to his rights under the First, Fourth, Eighth and Fourteenth Amendments to United States Constitution.

68. Mr. Houde is entitled to be compensated for the violations of his civil rights as provided in 42 U.S.C.A 1983 et seq. and as otherwise allowed at law and in equity in an amount to be determined at trial.

COUNT II

(Intentional Infliction of Emotional Distress v. Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy and Sean McCann)

69. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

70. Through the conduct alleged in this Verified Complaint, Defendants Turgeon, Gunnerson, Johanson, D'Andrea, Halloran, Duffy and McCann intended to inflict emotional distress upon Mr. Houde or knew or should have known that emotional distress was likely to result from their conduct.

71. Defendants' conduct was extreme and outrageous, was beyond all possible bounds of decency and was utterly intolerable in a civilized community.

72. Defendants' conduct caused Mr. Houde to suffer extreme emotional distress.

73. Mr. Houde's emotional distress was severe and of a nature that no reasonable person could be expected to endure it. Mr. Houde suffered both physical and emotional harm as a result of the conduct of Defendants Turgeon, Gunnerson, Johanson, D'Andrea, Halloran, Duffy and McCann.

74. Mr. Houde seeks compensation for the harm inflicted upon him in an amount to be determined at trial.

COUNT III

(Intentional Interference With Prospective Business Relationships v. Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy and Sean McCann)

75. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

76. Mr. Houde had prospective business relationships with persons that frequented his mobile food business. These relationships carried with them the probability of future economic benefit to Mr. Houde.

77. Defendants knew about these prospective business relationships and intentionally interfered with these relationships through the actions described in this Verified Complaint – which included Mr. Houde’s unlawful incarceration and the total loss of his business. The Defendants’ actions purposefully prevented Mr. Houde from acquiring or fulfilling his prospective business relationships.

78. The interference with Mr. Houde’s prospective business relationships was intentional and improper in motive and means. In particular, on the foregoing information Mr. Houde believes that Defendants Turgeon, Gunnerson, Johanson, D’Andrea, Halloran, Duffy and McCann intended to drive Mr. Houde out of business in order to allow other businesses an improper competitive advantage.

79. Mr. Houde has been harmed by the interference with his prospective business relations and is entitled to be fully compensated for all harm caused by this interference in an amount to be determined at trial.

COUNT IV

(Abuse of Process v. Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D’Andrea, Brian Halloran, Thomas Duffy and Sean McCann)

80. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

81. Defendants used legal process to bring criminal complaints against Mr. Houde regarding the May 20, 2002 incident.

82. Defendants’ use of legal process was for the illegitimate and ulterior purpose of providing a defense to their unlawful violation of Mr. Houde’s civil rights.

83. Defendants’ unlawful abuse of process resulted in damage to Mr. Houde in an amount to be determined at trial.

COUNT V

(False Imprisonment v. Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy and Sean McCann)

84. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

85. Defendants exercised unlawful confinement of Mr. Houde, including, Mr. Houde's confinement both during and after his unlawful arrest.

86. The unlawful confinement of Mr. Houde was intentional.

87. Mr. Houde was conscious of the confinement exerted against him.

88. Mr. Houde has been damaged by his false imprisonment in an amount to be determined at trial.

COUNT VI

(Assault and Battery v. Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy and Sean McCann)

89. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

90. Defendants engaged in an unlawful assault and battery of Mr. Houde as described in detail above.

91. Defendants first put Mr. Houde in fear of offensive contact of his body and then inflicted a severe beating of Mr. Houde's body.

92. Defendants' assault and battery resulted in numerous broken bones and other injuries.

93. Mr. Houde has been damaged by the assault and battery inflicted upon him in an amount to be determined at trial.

COUNT VII

(Libel v. Robert Turgeon)

94. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

95. Officer Turgeon published defamatory and libelous statements of and concerning Mr. Houde, including those statements included in his purported Worcester Police Department Incident Report dated May 21, 2001.

96. Officer Turgeon knew that these statements were false when they were published.

97. Officer Turgeon's statements were of a nature that would offend a considerable and respectable class in the community in that they wrongfully stated that Mr. Houde had committed crimes which he did not commit.

98. Officer Turgeon's false statements concerned Mr. Houde's character and impugned his reputation.

99. Officer Turgeon's statements were intended to harm Mr. Houde.

100. Mr. Houde suffered financial loss and a loss of liberty as a result Officer Turgeon's defamation and seeks to be compensated for those losses in an amount to be determined at trial.

COUNT VIII

(Violation of 42 U.S.C.A. 1983, Civil Rights Act v. City of Worcester)

101. Mr. Houde restates and realleges each of the above paragraphs and incorporates them herein by reference.

102. Upon information and belief, the unconstitutional actions of Defendants Turgeon, Gunnerson, Johanson, D'Andrea, Halloran, Duffy and McCann implemented or

executed a policy, statement, or decision officially adopted and promulgated by the City of Worcester.

103. The individual Defendants' practices and actions aimed at Mr. Houde appear to be so well settled by the City of Worcester that they constitute a custom or usage by City of Worcester Police Department and its officers and they carry the force of law. These customs and practices were so pervasive that, upon information and belief, City of Worcester policy makers had actual or constructive knowledge of and acquiesced to the unconstitutional customs and practices.

104. In addition, the City of Worcester, upon information and belief, failed to properly train, supervise, and discipline its employees to prevent these customs and practices from manifesting themselves through the City of Worcester's police officers.

105. Mr. Houde is entitled to be compensated for the violations of his civil rights as provided in 42 U.S.C.A 1983 et seq. and as otherwise allowed at law and in equity in an amount to be determined at trial.

VI. Jury Demand

Mr. Houde hereby demands a trial by jury on all counts so triable.

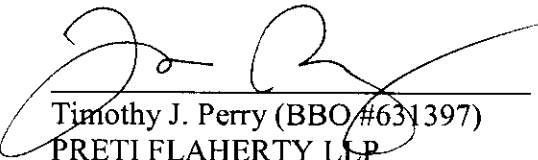
WHEREFORE, Mr. Houde requests that this Honorable Court:

1. Enter judgment in favor of Mr. Houde on each count stated herein;
2. Award Mr. Houde all damages, costs, interest and attorney's fees recoverable at law and in equity; and
3. Award such other and further relief as is just and proper.

Respectfully submitted,

PLAINTIFF DANIEL HOUDE,

By his attorney,



Timothy J. Perry (BBO #631397)

PRETI FLAHERTY LLP

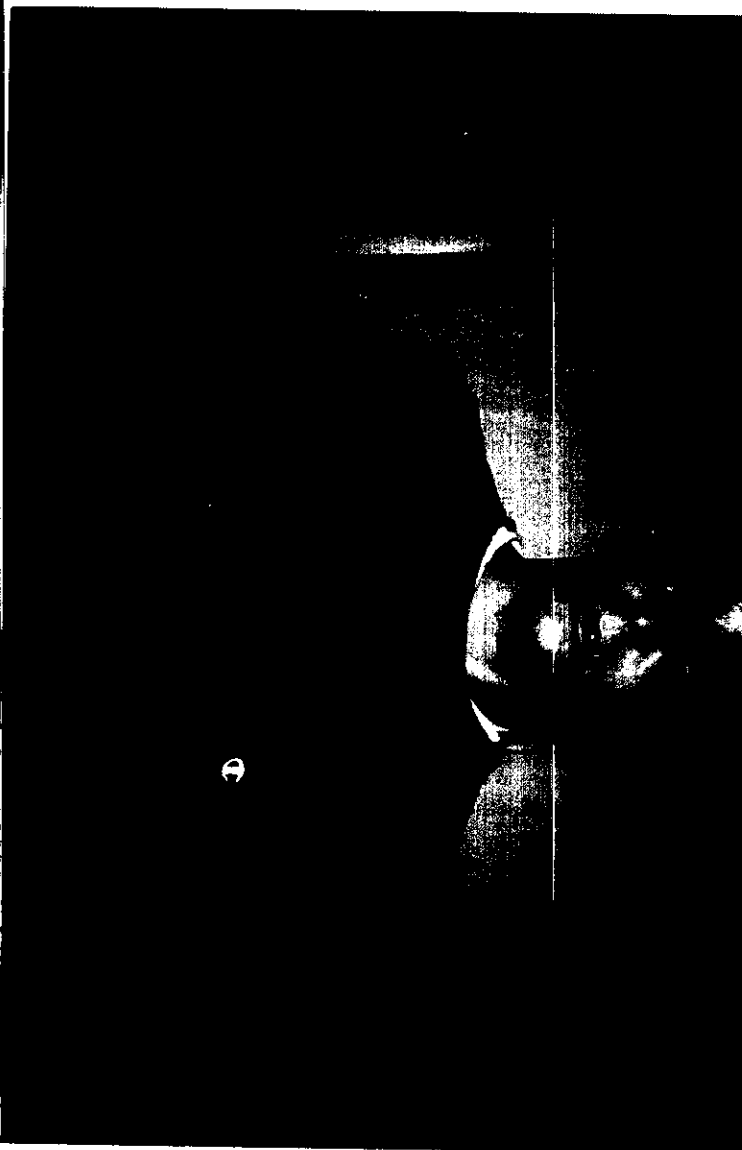
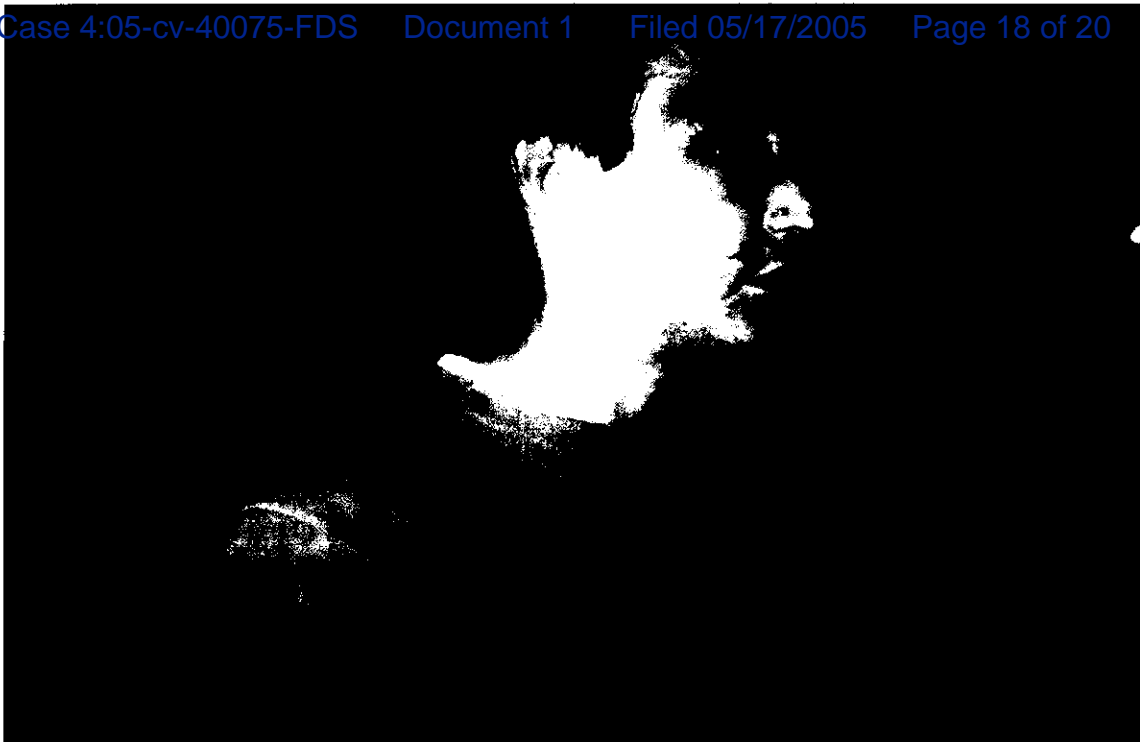
10 High Street, Suite 502

Boston, MA 02110

(617) 226-3800

facsimile (617) 226-3801





05-40075

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Daniel Houde

(b) County of Residence of First Listed Plaintiff Worcester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Timothy J. Perry, Preti Flaherty LLP, 10 High Street, Boston, MA 02110
(617) 226-3800

DEFENDANTS

Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran, Thomas Duffy, Sean McCann, and City

County of Residence of First Listed Defendant Worcester
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

05-40075

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Daniel Houde v. Robert Turgeon, et al.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☒ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
N/A
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☐ Central Division ☒ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

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